REMARKS

Claims 1-5 are all the claims pending in the application. Claims 1 and 2 have been amended to recite a film having a high index of refraction comprising a polycarbodiimide copolymer. Support for the amendment can be found, for example, at pages 1-2 and 13 of the present specification.

Initially, Applicants respectfully request an interview with the Examiner at the Examiner's convenience.

The Advisory Action indicates that the Response filed on September 29, 2005 did not overcome the provisional obviousness-type double patenting rejections over copending application nos. 10/768,674 and 10/934,727 and the §103 rejection.

With respect to the provisional obviousness-type double patenting rejections, to advance prosecution, Applicants submit herewith a terminal disclaimer to disclaim the terminal part of any patent granted on this application which would extend beyond the expiration of the full statutory term of any patent granted on co-pending applications 10/768,674 and 10/934,727. In addition, Applicants submit that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

With respect to the §103 rejection, Applicants respectfully traverse the rejection. It is respectfully submitted that, contrary to the Examiner's assertion, the Examiner's rationale for obviousness and the disclosure of Saito directed to "copolymers" and the preference of naphthalene diisocyanate were addressed. A *prima facie* showing of obviousness requires (1) a

suggestion or motivation in the references or in the knowledge of one of ordinary skill in the art, to modify the references or to combine reference teachings; (2) a reasonable expectation of success; and (3) a teaching or suggestion of all claimed limitations, and it was argued in the previous response that there is no motivation in the references to modify Saito and no teaching or suggestion of all the claimed limitations. Specifically, there is no motivation to arrive at the present invention based on the disclosure of Saito because no relationship between repeating units is disclosed. That is, Saito only discloses specific examples of polycarbodiimide resins comprising a single type of repeating unit. *See* cols. 2-3. Indeed, there is no disclosure in Saito with respect to any relationship between repeating units. Thus, Saito does not provide any motivation that would lead one of ordinary skill in the art to prepare a polycarbodiimide having the structure of the present invention with the claimed relationship between formula (1) and (2).

In addition, it was argued in the previous response that there is no motivation for one of ordinary skill in the art to specifically select naphthalene diisocyanate from the various aromatic diisocyanate residues based on the disclosure of Saito. None of the Examples of Saito are directed to polycarbodiimide resins where two different types of organic diisocyanates (e.g., naphthalene diisocyanate and another type of diisocyanate) were used. Therefore, Saito would not lead one of ordinary skill in the art to specifically select naphthalene diisocyanate and react it with another type of diisocyanate based on the broad disclosure of Saito that various "organic diisocyanates" can be used. Accordingly, Saito does not provide any motivation for selecting naphthalene diisocyanate from the various organic diisocyanates, reacting it with another type

of diisocyanate, and using 5 mol% or more of naphthalene diisocyanate based on the total organic isocyanate.

Furthermore, as argued in the previous response, Saito relates to a fuel cell separator and the thin carbon plate for use as the fuel cell separator is obtained by forming a polycarbodiimide resin into a thin plate and heating and carbonizing the thin plate, which is quite apparent from the claims of Saito. In other words, because the polycarbodiimide used in the invention of Saito is heated and carbonized, it is not transparent.

On the other hand, the present invention relates to a polycarbodiimide resin having a high index of refraction, which is for optical use. Accordingly, different from the polycarbodiimide of Saito, which is heated and carbonized, the polycarbodiimide of the present invention is required to have transparency and actually has transparency. The polycarbodiimide resin that has transparency and is suitable for optical use can be obtained by the composition as defined in claim 1, especially by utilizing the production process as defined in claim 5. Specifically, transparency is provided based on the carbodiimide unit having a naphthalene group and a high index of refraction is provided based on the carbodiimide unit having another organic diisocyanate residue. As described above, Saito does not disclose or suggest a transparent polycarbodiimide resin which is suitable for optical use. Moreover, Saito is silent with respect to a high index of refraction.

For the above reasons, it is respectfully submitted that Saito does not disclose, teach or suggest the present invention.

Accordingly, reconsideration and allowance of claims 1-5 is respectfully requested.

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